

United States District Court

United States District Court
Southern District of Texas
FILED

SOUTHERN DISTRICT OF TEXAS McAllen Division

JUN 18 2009

UNITED STATES OF AMERICA

Michael N. Milby, Clerk V.

MICHAEL PEREZ

Defendant

APPEARANCE BOND

CASE NUMBER: M-09-CR-808
(M-09-3823-M)

Non-surety: I, the undersigned defendant acknowledge that I and my . . . personal representatives, jointly and severally, are bound to pay to the United States of America the sum of \$30,000.00 (unsecured)

The conditions of this bond are that the defendant _____ Michael Perez _____
(name)

is to appear before this court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of defendant's release as may be ordered or notified by this court or any other United States district court to which the defendant may be held to answer or the cause transferred. The defendant is to abide by any judgment entered in such a matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment.

It is agreed and understood that this is a continuing bond which shall continue until such time as the undersigned are exonerated.

If the defendant appears as ordered or notified and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States district court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States district court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

This bond is signed on June 18, 2009 at McAllen, Texas
Date Place

Defendant. M.P. Address _____ WESLACO, TEXAS

Michael Perez

Surety. Eloy Perez Address. _____ WESLACO, TEXAS

Eloy Perez - Father

Surety. Gloria Perez Address. _____ WESLACO, TEXAS

Gloria Perez - Mother

Signed and acknowledged before me on June 18, 2009

Date

Peter E. Ormsby

Judicial Officer

Peter E. Ormsby, UNITED STATES MAGISTRATE JUDGE

Carmel Raming
Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF TEXAS McALLEN DIVISION

United States District Court
Southern District of Texas
FILED

JUN 18 2009 UNITED STATES OF AMERICA

v.

Michael N. Milby, Clerk

MICHAEL PEREZ

ORDER SETTING CONDITIONS OF RELEASE

Defendant

CASE NUMBER: 7:09-CR-808-01
(M-09-3823-M)

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (4) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear at (if blank, to be notified)8th Flr Ctrm
1701 W. Bus. Hwy. 83, McAllen, Texas before Judge Peter E. Ormsby on 6/24/09 at 3:00 PM (Arraignment)
Date and Time

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

(X) (5) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

(X) (6) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of Thirty Thousand and No/100 ----- dollars (\$ 30,000.00) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

ADDITIONAL CONDITIONS OF RELEASE

Upon finding that release by one of the above methods will not by itself reasonably assure the defendant's appearance and the safety of other persons or the community, IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (7) The defendant is placed in the custody of:

Person or organization _____

Gloria Perez - Mother

Address (*only if above is an organization*) _____

City and state _____ Weslaco, Texas

Tel. No. (*only if above is an organization*) _____

who agrees (a) to supervise the defendant in accordance with all of the conditions of release, (b) to use every effort to assure the defendant's appearance at all scheduled court proceedings, and (c) to notify the court immediately if the defendant violates any condition of release or disappears.

Signed: •

Gloria Perez
Custodian or Proxy

June 18, 2009

Date

() (8) The defendant must:

() (a) report to the U.S. PRETRIAL SERVICES _____,

telephone number (956) 618-8077 _____

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

Thirty Thousand and No/100 Dollars (\$30,000.00) UNSECURED

() (c) post with the court the following proof of ownership of the designated property, or the following amount or percentage of the above-described sum

() (d) execute a bail bond with solvent sureties in the amount of \$ _____.

() (e) maintain or actively seek employment.

() (f) maintain or commence an education program.

() (g) surrender any passport to: _____

() (h) obtain no passport.

() (i) abide by the following restrictions on personal association, place of abode, or travel:

Defendant must not leave Hidalgo County, Texas without permission of the Court. No travel into Mexico.

() (j) avoid all contact, directly or indirectly, with any person who is or may become a victim or potential witness in the investigation or prosecution, including but not limited to: _____

() (k) undergo medical or psychiatric treatment or remain in an institution as follows: The defendant will incur costs associated with such treatment, based on ability to pay as determined by the Pretrial Officer.

As deemed necessary by PSA

() (l) return to custody each (week) day at _____ o'clock after being released each (week) day at _____ o'clock for employment, schooling, or the following purpose(s): _____

() (m) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

() (o) refrain from () any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

() (q) submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of release. The defendant will incur the cost associated with the condition based on the ability to pay as determined by the Pretrial Services Office or supervising officer.

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable. The defendant will incur costs associated with such drug/alcohol detection and treatment, based on ability to pay as determined by the Pretrial Service Officer.

() (s) participate in one of the following location monitoring program components and abide by its requirements as the pretrial services officer or supervising officer instructs.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; pretrial has discretion to modify for employment purposes.

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the pretrial services office as long as Deft is accompanied by his mother.

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down except for medical necessities and court appearances or other activities specifically approved by the court.

() (t) submit to the location monitoring indicated below and abide by all of the program requirements and instructions provided by the pretrial services officer or supervising officer related to the proper operation of the technology.

The defendant must pay all or part of the cost of the program based upon your ability to pay as the pretrial services office or supervising officer

() (i) Location monitoring technology as directed by the pretrial services office or supervising officer;

() (ii) Radio Frequency (RF) monitoring;

() (iii) Passive Global Positioning Satellite (GPS) monitoring;

() (iv) Active Global Positioning Satellite (GPS) monitoring (including "hybrid" (Active/Passive) GPS);

() (v) Voice Recognition monitoring.

() (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

() (v) Defendant must not use computer while case is pending.

*or cell phone with internet
access or picture
sharing capability per*

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Address

Weslaco, Texas

City and State

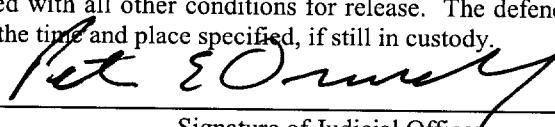
Telephone

Directions to United States Marshal

(XX) The defendant is ORDERED released after processing.

() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: June 18, 2009



Signature of Judicial Officer

Peter E. Ormsby, U.S. MAGISTRATE JUDGE

Name and Title of Judicial Officer